

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 S. SEANAH DIXON,

4 Plaintiff

5 v.

6 MICHAEL MINEV, et al.,

7 Defendants

Case No.: 2:21-cv-02133-APG-VCF

**Order Denying Motions for Injunctive
Relief, Granting Motion to Seal, and
Granting Motion to Extend Time**

[ECF Nos. 3, 5, 9, 16]

8 Plaintiff S. Seanah Dixon filed a motion for injunctive relief, asserting that her life is in
9 danger because the defendants have failed to promptly have her seen by a cardiologist despite
10 knowing of her life-threatening heart condition. Dixon alleges that the defendants transferred her
11 from Ely State Prison to High Desert State Prison for the purpose of having her seen by a
12 cardiologist, but she still has not been seen by a cardiologist. Even though Dixon's complaint
13 has not yet been screened, I directed the Attorney General's Office to respond to the motions
14 given the nature of her allegations. The Attorney General did so. ECF No. 8. Subsequently,
15 Dixon filed a notice that she had been seen by a cardiologist on December 23, 2021. ECF No. 15.

16 To qualify for a preliminary injunction, a plaintiff must demonstrate: (1) a likelihood of
17 success on the merits, (2) a likelihood of irreparable harm, (3) the balance of hardships favors the
18 plaintiff, and (4) an injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*,
19 555 U.S. 7, 20 (2008). Alternatively, under the sliding scale approach, the plaintiff must
20 demonstrate (1) serious questions on the merits, (2) a likelihood of irreparable harm, (3) the
21 balance of hardships tips sharply in the plaintiff's favor, and (4) an injunction is in the public
22 interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

1 In the context of a civil action challenging prison conditions, injunctive relief “must be
2 narrowly drawn, extend no further than necessary to correct the harm the court finds requires
3 preliminary relief, and be the least intrusive means necessary to correct that harm.” 18 U.S.C.
4 § 3626(a)(2). I must give “substantial weight to any adverse impact on public safety or the
5 operation of a criminal justice system caused by the preliminary relief and shall respect the
6 principles of comity set out” in § 3626(a)(1)(B). *Id.* A preliminary injunction is “an
7 extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear
8 showing, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)
9 (quotation and emphasis omitted).

10 Because Dixon has now seen a cardiologist, her motions for injunctive relief are moot.
11 Dixon requested as relief an immediate consultation with a cardiologist, which has now been
12 accomplished.

13 Even if the motions are not moot, Dixon has failed to show a likelihood of success on the
14 merits. The defendants presented evidence that Dixon was evaluated upon arrival at High Desert
15 State Prison and Dixon had abnormal, but non-emergent, results on an electrocardiogram (ECG).
16 ECF No. 8-4. Dixon thus was scheduled for a December 23 examination with the cardiologist.
17 *Id.* Dixon’s other vital signs were within acceptable ranges, and she was given another ECG a
18 few days later with the same results. *Id.* Dixon’s lab results likewise indicated no need for
19 urgent action. *Id.* Rather than showing deliberate indifference, the available evidence shows that
20 the defendants addressed Dixon’s medical needs with monitoring, multiple tests, and referral to a
21 cardiologist. *See Peralta v. Dillard*, 744 F.3d 1076, 1082 (9th Cir. 2014) (“A prison official is
22 deliberately indifferent to that need if he knows of and disregards an excessive risk to inmate
23 health.” (quotation omitted)). Dixon’s disagreement with the defendants’ course of evaluation

1 and treatment or her suspicion that they will subsequently offer substandard care are insufficient
2 to support injunctive relief. *Wilhelm v. Rotman*, 680 F.3d 1113, 1122 (9th Cir. 2012) (stating that
3 “a plaintiff’s showing of nothing more than a difference of medical opinion as to the need to
4 pursue one course of treatment over another [is] insufficient, as a matter of law, to establish
5 deliberate indifference.” (quotation omitted)). Consequently, I deny her motions.

6 I THEREFORE ORDER that plaintiff S. Seanah Dixon’s motions for injunctive relief
7 **(ECF Nos. 3, 5) are DENIED.**

8 I FURTHER ORDER that the defendants’ motion for leave to file medical records under
9 seal **(ECF No. 9) is GRANTED.** ECF No. 10 shall remain sealed.

10 I FURTHER ORDER that plaintiff S. Seanah Dixon’s motion for extension of time **(ECF**
11 **No. 16) is GRANTED.**

12 DATED this 5th day of January, 2022.

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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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